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C O N F I D E N T I A L SEOUL 004094

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TAGS: PGOV PREL KS

SUBJECT: MORE SIGNS OF ERODING AUTHORITY: PRESIDENT ROH
WITHDRAWS CONSTITUTIONAL COURT NOMINEE

Classified By: POL M/C Joseph Y. Yun. Reasons 1.4 (b,d).

¶1. (C) SUMMARY: President Roh withdrew the nomination of Jeon Hyo-seok for Chief Justice of the Constitutional Court on November 27 amid fierce opposition to the controversial nomination. After insisting for months Jeon's nomination, Roh finally backed down when it became clear that unless he withdrew her name, the National Assembly would not be able to pass any laws in the crucial month of December. Unfortunately for Roh, the opposition GNP assumed Jeon would have to withdraw so, according to Embassy contacts, is not likely to offer any concessions in return for this fig leaf offered by Roh. At least in domestic politics, Roh shows all the signs of being a lame duck. END SUMMARY

¶2. (C) After a bipartisan meeting on November 26 called by President Roh to address the growing animosity between the ruling Uri Party and opposition Grand National Party (GNP) where Roh suggested the formation of a bipartisan political consultative channel in the months ahead, Roh accepted Jeon Hyo-seok's withdrawal of her nomination for Chief Justice of the Constitutional Court. Even Roh's attempts at compromise fall flat, as the ruling Uri Party Chairman Kim Geun-tae said that Roh did not consult with the Uri Party before proposing the consultative channel.

¶3. (C) With Roh's support below 10 percent in the latest polls and the Uri Party's support at a tepid 8.8 percent, both Roh and the ruling party understand they must introduce some innovative policy reform legislation in December in order to boost popular support. Therefore, Roh's desire to compromise with the GNP, because he would not be able to get any bills through the National Assembly without making some concessions. According to Embassy contacts at the Assembly, the concession by Roh will not lead to compromise as the opposition seeks to capitalize on Roh's lame duck status and demand more concessions on nominations, the budget and other key legislative agenda items.

Current Nominations, Future Nominations

¶4. (C) The GNP is now likely to press several other nominees. Roh appointed a new national security team following North Korea's October 9 nuclear test. While Defense Minister Kim Jang-soo has already taken office, the GNP is now demanding that Roh withdraw his nomination of Lee Jae-jeong as Unification Minister and Song Min-soon as Foreign Minister. While GNP contacts admit this will not

happen since there is no process to block the nominees from taking office, they will push the Blue House to reconsider its nominations in the wake of the Jeon withdrawal. The GNP is pushing particularly hard for Lee's nomination to be withdrawn after Lee, in his confirmation hearings on November 16, replied ambiguously when asked who started the Korean War, and also said that the evaluation of Kim Il-sung was not yet complete and should be left to historians. The GNP will also seek to capitalize on Roh's increased weakness by pushing for recently appointed KBS Broadcasting Chair Chung Yun-joo to step down although he began his work at the state-owned broadcasting service on November 27.

¶15. (C) Both Unification Minister-designate Lee and FM-designate Song Min-soon were not approved by the Foreign Affairs and Unification Committee and a negative report was submitted to the Blue House after their hearings on November 16. The nominees need not be approved to take office, as the Blue House can choose to appoint the cabinet ministers within 20 days after receiving the negative reports from the committee. According to our MOFAT contacts, Song Min-soon is likely to take office on December 1, but Lee Jae-jeong could take longer to be in office.

Comment

¶16. (C) The executive branch retains powers of appointment with virtually no formal check, but as seen in the case of Jeon, popular opinion coupled with united opposition from the National Assembly is enough to erode some of Roh's remaining powers. As even the most basic authorities evaporate, Roh, with fifteen months left in office, is fighting a losing battle against being a lame duck.

VERSHBOW